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COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion and Protection of Human Rights
Working Group on Contemporary Forms of Slavery
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EXPLOITATION OF CHILDREN, PARTICULARLY IN THE CONTEXT OF PROSTITUTION AND DOMESTIC SERVITUDE

REVIEW OF DEVELOPMENTS IN THE FIELD OF CONTEMPORARY FORMS OF SLAVERY AND MEASURES TO PREVENT AND REPRESS ALL CONTEMPORARY FORMS OF SLAVERY, INCLUDING THE STRUGGLE AGAINST CORRUPTION AND THE CONSIDERATION OF INTERNATIONAL DEBT AS PROMOTING FACTORS OF CONTEMPORARY FORMS OF SLAVERY AND OTHER FORMS OF EXPLOITATION

ACTIVITIES OF THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN

OTHER FORMS OF EXPLOITATION

Report of the Secretary-General

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Introduction

1. By its resolution 2001/14, the Sub-Commission for the Promotion and Protection of Human Rights requested the Secretary-General to submit information on various issues related to slavery.

2. The Secretary-General addressed requests to concerned Governments and intergovernmental and non-governmental organizations for information.

3. As of 10 May 2002, replies have been received from the Governments of Argentina, Côte d'Ivoire, Cyprus, Georgia, Germany, Greece, Guatemala and Latvia.

4. Replies were also received from the Office of the United Nations High Commissioner for Refugees and the World Health Organization.

5. Information was also received from the Inter-African Committee on Traditional Practices Affecting the Health of Women And Children (IAC).

6. The present report contains a summary of the substantive replies received.

I. INFORMATION RECEIVED FROM GOVERNMENTS

Argentina

[Original: Spanish]
[26 April 2002]

1. The Argentine National Council on Children, Teenagers and the Family is running a series of programmes and projects on topics related to trafficking in children, sexual exploitation and child labour:

- A subprogramme entitled "preventing and combating kidnapping and trafficking in children"; the programme itself is run by the Council Department;

- Analysis of the legal aspects of the problem;

- Establishment and maintenance of community centres for the promotion and protection of the rights of children, teenagers and the family throughout the country under the National Plan to give effect to the Convention on the Rights of the Child;

- Participation by the Council in the National Commission for the Eradication of Child Labour (CONAETI);

- Signature of an agreement on cooperation with the non-governmental organization "Missing Children", the federal police and the Association of Juvenile and Family Judges and Officials.

2. Argentina's commitment in this area is attested to by provisions in the Constitution such as those according constitutional rank to 12 international human rights agreements, including the Convention on the Rights of the Child (Constitution, art. 75, para. 22), or assigning to the Congress the authority to promote positive measures in favour of children (art. 75, para. 23).

3. Lastly, attention is drawn to Argentina's ratification, by Act No. 25.255, of ILO Convention 182 on the worst forms of child labour, adopted by the International Labour Conference in 1999.[1]

Côte d'Ivoire

[Original: French]
[25 January 2002]

1. The question of Malian children working in plantations in Côte d'Ivoire, which has been described as "trafficking in children", continues to dominate the news despite the Ivorian authorities' reactions and clarifications. Côte d'Ivoire is neither behind nor sanctions this despicable business. Besides, the whys and wherefores of this wicked trade are known.

2. That children in Côte d'Ivoire are working in conditions regarded as difficult is a matter of indignant outcry for the whole country, but also one which it has ample means of combating and correcting. Your report on the situation would have been better balanced had you seen fit to ask the competent Ivorian authorities for their version of the facts, as you did with the Malian authorities.

3. We feel it is our duty to react and say what has been and is being done in Côte d'Ivoire to counter trafficking in children, in order to remedy somewhat this imbalance in the way the news is handled.

I. Status of Ivorian legislation relating to children

4. Côte d'Ivoire did not wait until the question of trafficking in children had come to a head before it passed laws on the matter. The exploitation of children in any form is prohibited and punishable by severe penalties under its legislation.

5. At the international level:

- We wish to point out that Côte d'Ivoire is a State party to the Convention on the Rights of the Child, which it has already ratified;

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[1] The full text of the contribution of Argentina is available for consultation, in Spanish, at the secretariat. A copy of the text has been provided to the members of the Working Group.

- Côte d'Ivoire was an active participant in the formulation of ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; it was unable to ratify the Convention because of the December 1999 coup d'état, but will do so very shortly;

- Côte d'Ivoire was represented at the World Summit for Children in September 1990. It was there that trafficking in children for the purpose of providing labour was defined as a form of economic exploitation and a special rapporteur on the question was appointed by the Secretary-General of the United Nations;

- Côte d'Ivoire also took an active part in the regional follow-up and evaluation workshop on the Convention on the Rights of the Child held in Ogere, Nigeria, from 1 to 5 June 1998.

6. At the national level:

- Article 3 of the Ivorian Constitution adopted by referendum on 20 August 2000 prohibits all forms of child labour;

- Title II, chapter III, of the Labour Code, which deals with working conditions, is entirely devoted to work by women and children so as to take account of the recommendations of ILO Convention 138 concerning the minimum age for admission to employment. Article 23.8 of the Labour Code says that "in the absence of a regulatory waiver, children may not be employed in a business, even as apprentices, before the age of 14". Article 23.9 says that "children may be required to undergo an examination by an approved doctor to ensure that the work to which they have been assigned is not beyond them. Such an examination may be requested as of right by those concerned. If it cannot be undertaken, arrangements may be made for cancellation of the conduct of employment with payment of compensation for notice and redundancy."

II. Specific action taken by Cote d'Ivoire against trafficking in children

7. Since September 1998 the UNICEF office in Abidjan has, in cooperation with the Ivorian Government, been conducting a survey on the trafficking of children from Mali to Côte d'Ivoire, and has published a report.

8. Côte d'Ivoire made worthwhile contributions to the regional workshop on trafficking in children in West and Central Africa held between 6 and 8 July 1998 in Cotonou, Benin, and the consultations on the same subject held from 20 to 24 February 2000 in Libreville, Gabon, to arrive at ways and means of putting an end to the phenomenon.

9. It has signed a bilateral cooperation agreement with the Malian Government on action to counter transboundary trafficking in children, and set up a national committee comprising representatives of the public authorities, non-governmental organizations and the UNICEF office in Abidjan to monitor its implementation.

10. A national identification office has been set up to check the porosity of the national borders and monitor movements within the country in order, in part, to be able to combat trafficking in children far more effectively.

III. Results

11. Since the beginning of 2001, approximately 550 trafficked Malian and Burkinabe children have been picked up by the Ivorian forces of law and order.

12. Psychological support units have been set up to look after them (take them in, provide lodging, food, medical and psychosocial assistance etc.) before they are sent home.

13. These diverse efforts - institutional, crime-fighting and social - by the Ivorian Government deserve to be brought to the attention of world opinion.

IV. Conclusion

14. The Permanent Mission of Côte d'Ivoire wishes to point out that, while visiting Geneva in June last year, the Ivorian Minister of Labour and Employment, Mr. Hubert Oulaye, took the initiative of holding a press conference on this important topic at the Palais des Nations. He was also at pains to publish a clarification in the Swiss daily *Le Matin* on 11 June 2001 in response to an article the paper had carried.

15. On those occasions Côte d'Ivoire was at pains to present to the press, at its own initiative, the constant efforts it has been making at home to counter this despicable trafficking which, although it takes place on Ivorian territory, is in fact organized by outside networks identified in your report, which itself attests that the young victims are in many cases in search of an Eldorado.

16. The only way to put a proper stop to this trade from a bygone age, as Minister Oulaye said, is through development and true collaboration among the countries concerned to supplement national initiatives. Côte d'Ivoire reiterated this message at the eighty-second session of the Council of the International Organization for Migration (IOM), held in Geneva from 27 to 29 November 2001.

17. Let us assure you that the present exercise has a similar aim and is not intended to stir up controversy. We quite agree that the press is free to cover a topic that casts a country in a bad light. But if the press does not respect that balance on which the difficult but honourable and worthy profession of journalism rests, lasting damage may be done to the image of the country thus singled out.

Cyprus

[Original: English]
[10 May 2002]

1. The Government of Cyprus stated that no cases of sale of children, child prostitution or child pornography have been identified in the Government-controlled area of Cyprus. If such cases were to be reported, general welfare services (preventive and remedial) would apply.

2. The following legislative, preventive and remedial measures are implemented by the Social Welfare Services in relation to the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography.

Legislative measures

3. Section 55 of the Children Law, Cap. 352, states that if a person having the custody, charge or care of a girl under the age of 16 causes or encourages her in prostitution, he/she shall be liable to imprisonment for a term not exceeding two years (maximum penalty). Paragraph 2 of the same section specifies that a custodian is also liable if he/she knowingly allows a girl "to consort with or enter or continue in the employment of, any prostitute or person of known immoral character".

4. Cyprus implements effectively the Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption, which was ratified by Law No. 26 (III) 94 in 1994. This Convention aims to promote the best interests of the child and to protect children from potential exploitation in the field of adoption.

5. The Combating of Trafficking in Persons and Sexual Exploitation of Children Law No. 3 (I)/2000, enacted on 13 January 2000, sets a maximum penalty of:

(a) 20 years' imprisonment for persons responsible for child prostitution or other forms of child sexual exploitation (art. 3 (l) (y) and 3 (2));

(b) 15 years' imprisonment or a fine of up to C£ 15,000 or both for trafficking in children.

Prevention and rehabilitation

6. Preventive and remedial measures implemented by Social Welfare Services aim to alleviate social risks and include the following services for families at risk:

(a) Financial assistance to families/individuals who are unable to meet their basic and special needs;

(b) Counselling;

(c) Home care;

(d) Day care.

7. The Government cooperates with NGOs and local communities in identifying and meeting social and family needs on a local level. Through financial and technical assistance, Social Welfare Services encourage the development of children's programmes (e.g. day-care centres and home care) within the general context of family supportive services.

8. In extreme cases, where the biological family is not in a position to protect or care for a child, the Director of Social Welfare Services is empowered by law to take that child into his/her care. The child may then be removed from the biological family (on a short- or a long-term basis) and be placed in a foster family or a group foster family. Placement in a residential home is used only as a solution of last resort.

9. According to the Combating of Trafficking in Persons and Sexual Exploitation of Children Law of 2000, the Government has a duty to provide, among other things, protection, support, subsistence, housing and care to victims of sexual exploitation for as long as necessary.

10. In accordance with this Law, the Director of Social Welfare Services has been appointed by the Council of Ministers as the Guardian of Victims of Sexual Exploitation. The Director is responsible for the provision of humanitarian support and assistance to the victims as well as for the channelling of complaints to the competent authorities for investigation.

11. Remedial services of the Social Welfare Services apply to all persons in need of psychological and social support. If specialized psychological assistance is necessary, a child may be referred to the Child Psychiatric Service or other non-governmental or private services.

Georgia

[Original: English]
[6 May 2002]

1. In the Georgian legislation in force prostitution as such is not considered a crime. In the present context should be mentioned Presidential Decree No. 64, "On Approval of the Action Plan on Combating Violence against Women (2000-2002)". The Action Plan, inter alia, has as its objective the prevention and elimination of trafficking in women for the purpose of sexual exploitation. Special strategies were worked out in order to achieve this and other objectives envisaged by the Action Plan. The executors of this Plan are both legislative and executive bodies, as well as NGOs, trade unions and mass media.

2. Georgia is a party to the Convention on the Elimination of All Forms of Discrimination Against Women since 1994. The Government of Georgia has submitted two State party reports on the implementation of this Convention at the national level (in 1998 and 2000). The respective treaty monitoring body considered the initial report in June 1999. According to the Ministry of Labour, Health and Social Affairs, the Parliament of Georgia is going to ratify ILO Convention No. 182 on the Worst Forms of Child Labour in the near future.

3. There are no reliable statistics as to the number of women that have been subjected to trafficking for the purpose of prostitution. At the same time, there are good reasons to believe that Georgia has been playing the role of a country of origin and transit, owing to its geopolitical location and considerable level of poverty.

4. At the end of 2000 the NGO "WomenAid-Georgia" initiated a multi-media anti-trafficking campaign, "Be smart/Be Safe", within the framework of which it implemented projects aimed at raising awareness of trafficking-related matters both in governmental bodies and among the public. The State agencies endeavoured to cooperate with "WomenAid-Georgia" in achieving of these goals. Several meetings with the participation of various governmental bodies and local and international NGOs were held in order to identify the most important fields of future work. The matter of trafficking in women is also dealt with by several other local NGOs that focus mainly on awareness-raising activities, in order to prevent and avoid this crime.

5. In 2001 law enforcement bodies instituted 11 criminal cases under the article of the Criminal Code that envisages sanctions for enticing minors into prostitution. This was almost three times as many as in the previous year.

6. On 2 March 2000 the President of Georgia approved the State Programme for the Protection, Development and Social Adaptation of Minors (2000-2003), and 3 million lari had to be allocated from the State budget to implement it. Owing to the complex economic situation in Georgia, the Government has not managed to allocate this sum so far.

7. At the present time Georgia is a State party to nine international human rights instruments, including the International Covenant on Civil and Political Rights and both Optional Protocols to it, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination. Georgia has ratified 10 ILO Conventions (Nos. 29, 52, 98, 100, 105, 111, 117, 122, 138, 142) and submitted its reports on their implementation.

8. The Government of Georgia has been making efforts to address the problem of corruption. In April 2001 the President of Georgia established the Coordinating Council for Anti-Corruption Politics, under his own auspices. The Council is entrusted with elaborating specific measures within the framework of the national programme against corruption, as well as coordinating their implementation. The Council has already prepared a series of proposals aimed at reducing and eliminating corruption within the executive branch. The measures proposed include transformation of governmental institutions, improvements in management, etc.

9. Recently the Parliament of Georgia adopted the Law on the Protection of Minors from Harmful Influences aimed at protecting children from harmful information that might be obtained through various audiovisual and other sources, including the Internet. According to the Criminal Code, it is a crime to make, show and/or distribute works of a pornographic nature.

The exploitation of prostitution is also a crime. At the same time, Georgian legislation contains no provisions directly prohibiting child pornography, sex tourism and trafficking through the Internet. In general, the matters related to the use of the Internet in Georgia apparently need to be regulated in terms of legislation.

10. Georgia has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

11. According to the Constitution of Georgia, labour is free (art. 30, para. 1). This provision of the Constitution makes absolutely impossible bonded labour in all its forms in Georgia. Besides, Georgia is a State party to the ICCPR which is directly applicable in our country and takes precedence over domestic legal acts (except for the Constitution). That means that in Georgia both bonded labour and debt bondage are considered illegal, as prescribed by the Covenant in questions.

12. It is the Labour Code of Georgia that regulates the issues related to child labour, in conformity with the respective international norms and standards. According to the Code, children are only allowed to work after attaining the age of 15. The law prohibits exploiting child labour in hazardous occupations and provides for special measures to ensure safe working conditions for them.

13. The Government of Georgia has not considered so far the matter of creating a voluntary fund to assist the Committee on the Rights of the Child.

14. The Government of Georgia shall consider the matter of sending Georgian observers to the meetings of the Working Group.

Greece

[Original: English]
[24 April 2002]

1. Greece has ratified the following international conventions:

- Slavery Convention (Law 4471/1939);
- Protocol amending the Slavery Convention (Law 2965/1954);
- Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices similar to Slavery (Law 1145/1972);
- Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (Law 1782/82);
- Convention on the Rights of the Child (Law 2101/92);

- ILO Forced Labour Convention (C-29, Law 2079/1952);

- ILO Abolition of Forced Labour Convention (C-105, Law 4221/1961);

- ILO Worst Forms of Child Labour Convention (C-182, Law 2918/2001).

2. In addition, Greece has signed (ratification pending) the following international legal instruments:

- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (13 December 2000);

- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (7 September 2000).

3. Besides these Greece is a party to the basic human rights instruments that contain provisions banning slavery and its contemporary forms, namely the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

4. Greece, being a country with a long tradition of respect and protection of the value of human beings, has included both in its charter and in the other pieces of legislation the principles of the Universal Declaration of Human Rights which fully protect individual freedoms and human rights as defined in the international declarations and conventions. In particular, Greece has ratified the European Convention on the Protection of Human Rights and Fundamental Freedoms, which Greece re-ratified following its re-accession to the Council of Europe by legislative decree (LD) 53/74. It has also ratified Recommendation (R/91) of the Council of Europe of 9 September 1991 on sexual exploitation, pornography, prostitution and trafficking of children and adults.

5. Apart from the above-mentioned conventions, domestic legislation includes many important provisions on the rights of children, child labour, the protection of children from different forms of criminal behaviour, as well as provisions on juvenile delinquency and correctional treatment. Such provisions are included mainly in the civil law (Family Law, etc.), the Penal Code (articles 336-353 on crimes against sexual freedom and crimes of economic exploitation of sexual freedom), the Code of Penal Procedure, the "Measures for the protection of young people in work, in compliance with Directive 94/33/EC", the "Measures for the protection of minors and other provisions", as well as other provisions.

6. Owing to the importance of the matter, the Hellenic Police Force assigns great importance and significance to the application of the current legislation to deal with juvenile delinquency and crimes against minors, such as crimes concerning child abuse, child prostitution and pornography, sexual exploitation of minors, as well as any form of economic and social exploitation thereof, as well as to the creation of effective control mechanisms for minors-related violations.

7. For this purpose, it cooperates closely and exchanges information with public and private bodies and organizations competent for matters of minors, both at national and international levels. It collects, studies and makes use of statistics on criminality concerning minor perpetrators or victims and organizes international and national seminars for the exchange of information and training of competent police officers.

8. The existing legal framework provides satisfactory legal protection to minors, especially in the field of employment of young people, following the enactment of PD 69/98, despite the undoubtedly negative fact that the control of application of that measure has not been assigned, in accordance with the provision of article 13 thereof, to the police authorities.

9. In its effort to supplement and improve the existing legal framework on children, Greece participates in every new international movement. In particular:

(a) The adoption of International Labour Convention No. 182 and the taking of measures for its implementation;

(b) The adoption of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, of child prostitution and child pornography, signed by Greece during the Millennium Summit (6-8 September 2000, New York).

10. On 12 December 2001 the Minister of Public Order made public a draft law on the fight against human slave traffic and assistance to victims of crimes of economic exploitation, sexual life and child pornography.

11. Great importance is assigned to combating child pornography, since there are provisions covering any pornographic material concerning minors, regardless of its form. In particular, after article 348, of our Penal Code, the new draft law adds a new article 348A, "Pornography against minors", so that child pornography will be punished as a specific criminal act as follows:

(a) Any person who produces, offers, procures, possesses, distributes, sells or releases in any way pornographic material is punished by imprisonment of up to two years;

(b) Pornographic material in the sense of the previous paragraph is any description or real or virtual presentation on any device of a real or simulated lecherous act attempted for the same purpose by or with a person less than 15 years of age;

(c) If any of the acts of paragraph (a) concern pornographic material whose content is the exercise of any form of violence, real or virtual, against a person less than 15 years of age, such act is punished by imprisonment of up to 10 years.

12. Greece provides for the punishment of the crimes of slave-trafficking and lechery against minors, even if committed abroad and regardless of the laws applicable at the place of commission, as well as for the inclusion of minors in educational and vocational training programmes.

13. The Ministry for Foreign Affairs cooperates with non-governmental organizations in the preparation of the annual report in application of the Convention on the Rights of the Child.

Germany[2]

[Original: English]
[18 July 2001]

I. The fight against trafficking in women

1. In order to fight all forms of violence against women, the Federal Government, in December 1999, issued an Action Plan to Combat Violence against Women, which is an overall concept designed to tackle violence against women in its various manifestations. The battle against trafficking is part of the Action Plan, which is reviewed periodically.

2. In 1997, in an effort to combat trafficking in women more effectively, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth set up the national working group on "Traffic in Women" in which the various federal and Land ministries, the Federal Criminal Police Office, as well as the specialized advisory services are involved. It is the task of this working group to:

- Ensure the mutual exchange of information among its members concerning measures to combat the traffic in women;
- Analyse the problems which could stand in the way of effectively combating the traffic in women;
- Elaborating joint activities and proposals.

3. The national working group has, inter alia, developed a special witness protection programme for trafficked women which covers social services, including safe shelter, counselling, medical care and legal services. The programme also involves efforts to get labour permits for the women for the duration of their stay in Germany as witnesses.

4. Under the German federal system the provision of social services for victims falls within the responsibility of the Länder which fulfil this task within the resources they have available.

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[2] The Government of Germany provided an addendum to its submission which contains further measures to complement the Federal Government's work programme, particularly in the legal field that were implemented by January 2001. It is available for consultation in English, at the secretariat. The full text of the addendum has been provided to the members of the Working Group. The annual report for 1999 of the Federal Criminal Police Office on trafficking in human beings also submitted, is likewise available for consultation.

5. Germany prosecutes trafficking in human beings vigorously. The Federal Criminal Police Office issues an annual report on this subject, including an analysis of new developments. In order to win the court cases against the perpetrators, the testimony of victim witnesses is essential. This is why the above-mentioned special witness protection programme takes special care of the women. The Länder governments sponsor the NGOs who look after the victims to enable them to give evidence. The Federal Government finances a Coordination Bureau which coordinates 21 NGOs and counselling services working in this field - a network that is unique in Europe.

6. Germany favours voluntary return. This means that a victim of trafficking who does not fulfil the requirements to stay in Germany will be asked to leave Germany voluntarily. Only if a voluntary return to her or his home country does not occur will a foreigner be deported. Deportation takes place in accordance with the guarantees of the rule of law. In general, a safe return can be guaranteed up to the borders of the country of destination. The Alien's Act allows foreigners to stay in Germany in individual cases, if a return would threaten her or his life, health or freedom seriously.

7. To make sure the trafficked women can prepare their return home they are allowed to stay in Germany for at least four weeks before they have to leave. To enable them to seek professional assistance during this period of time they are informed about the special counselling centres working in Germany which they can contact.

8. Since Germany is a country of destination, the German Government cooperates with NGOs who run information campaigns to warn potential victims abroad. Within Germany several Länder have carried out a special awareness campaign by NGOs addressing the clients of foreign prostitutes.

9. In order to find out more about the demand for sexual services in Germany, the Federal Government is conducting a study about the male clients of foreign prostitutes.

II. The fight against child abuse, commercial sexual exploitation of children and child pornography

10. The fight against child abuse, commercial sexual exploitation of children and child pornography is a priority field of the Federal Government's policies. Alongside legislative measures, these policies focus on enhancing prevention, counselling and assistance services for the victims and therapy options for the offenders.

11. Following the World Congress against Commercial Sexual Exploitation of Children in Stockholm in August 1996, the Federal Government published, in July 1997, a Working Programme against Child Abuse, Child Pornography and Sex Tourism. The Working Programme contains a wide array of measures addressing education and prevention, the legal situation, international prosecution and protection of victims.

Guatemala

[Original: Spanish]
[2 May 2002]

I. Child prostitution

1. The National Plan of Action against the Commercial Sexual Exploitation of Children and Adolescents was conceived of as a public policy specifically to provide protection for children and teenagers, in response to the pressing need to tackle one of the cruellest violations of the fundamental rights of one of the most vulnerable population groups in the country.

2. Child prostitution is taking on alarming proportions in Guatemala, and putting the Plan of Action into effect will be an arduous task. It is a problem with connotations that put it in a national and international ambit, particularly since large sexual exploitation networks are known to exist in Central America and worldwide and to be spreading as economic, social and moral decline goes on.

3. The Guatemalan Government is especially interested and concerned to deal effectively with the various problems that children in the country face. In the case of the commercial sexual exploitation of children and adolescents, its interest was manifest at the official presentation by the Social Welfare Secretariat to the Social Cabinet of the National Plan of Action, when representatives of a variety of ministries voiced their willingness to support it with topics from within their own spheres of competence.

4. It should be pointed out that, quite apart from its substance, one strength of the National Plan of Action is that it was drafted by consensus with extensive involvement by a variety of population groups who brought a global viewpoint to bear on various aspects of prevention, treatment, investigation of and legislation relating to the commercial sexual exploitation of children in Guatemala.

5. The purpose of the National Plan of Action is to encourage sweeping efforts to tackle the causes and effects of commercial sexual exploitation, containing, reducing and eradicating it and bringing about conditions in which children and teenagers can live in dignity and without risk to their physical, mental and moral health.

6. The Plan has several components:

- Prevention and treatment;
- Consciousness-raising;
- Rehabilitation and reabsorption into society;
- Legal (promoting legislative reform to deal with the problem of the commercial sexual exploitation of children and adolescents).

7. A Contact Group comprising governmental and non-governmental bodies, the Presidential Commission for Coordinating Executive Policy in the Field of Human Rights (COPREDEH), the National Commission against Child Abuse (CONACMI), Pro Niño y Niña Centroamericanos (PRONICE) and the Office of the Attorney-General has been set up to work in conjunction with the Social Welfare Secretariat on drafting operational plans for 2002 for giving effect to the National Plan of Action against the Commercial Sexual Exploitation of Children and Adolescents.

II. Use of children in pornography

8. Under the National Plan of Action, the intention is to work in collaboration with the National Congress, non-governmental organizations and the private sector, which have come up with different proposals for penalizing the possession of child pornography, even where those in possession of pornographic material claim to keep it only out of curiosity. Police methods for countering child pornography permit them to gather evidence and determine the identities of children and their abusers; in some cases the abuse is recurrent, and it is therefore important for the police to be fully involved and to be part of the Contact Group.

9. Advances in technology have made it more difficult to stamp out child pornography in Guatemala and attempts to bring the offenders to justice have been fruitless because the country does not have properly trained police or laws to protect children and adolescents. There has been a corresponding increase in the number of moves to overcome the situation, and in success stories resulting from Interpol collaboration. The Penal Code is currently being revised in conjunction with the Congressional Commission on Women, Children and the Family, with a view to making the offences associated with child pornography crimes under the Code.

10. Efforts are also being made through the Contact Group to set up a prosecutor's office to investigate offences associated with the commercial sexual exploitation of children and adolescents, and to secure the passage of a law against the sexual exploitation of children and teenagers. Moves are also in train to bring about the adoption of a regional convention against trafficking in minors for the purposes of commercial sexual exploitation.

III. Child abuse and sexual abuse

11. The National Commission against Child Abuse has been pushing the subject of child abuse with prevention, treatment, investigation and disclosure campaigns; for the past six years it has been a member of the Campaign against Child Abuse being waged by a number of Central American countries, Mexico and the Dominican Republic. The Commission works with departmental networks and charity committees to combat child abuse. It is currently working with governmental agencies involved in the creation of institutions, by means of a study of the institutional setting, to deal with the problems facing children and, in particular, child abuse and sexual abuse.

12. A survey is also being made of the human, material and economic resources available in the agencies to tackle the problems of child and sexual abuse at different levels - identification, treatment and prevention - and take action, in the areas of public and community health, education and the law.

13. A variety of protocols for medical/social management and crisis treatment have been drawn up; these are being applied and validated in the government agencies and non-governmental organizations working in this field. The aim is to devise policies and strategies for running programmes and coordinating institutional activities concerned with approaches to the problems of child abuse and child sexual abuse at the levels and in the areas mentioned above.

IV. Adoptions

14. The following action is being taken under the scheme to prevent the sale of children:

(a) At the executive and legislative level, two instruments regulating adoption procedures have been approved. The Convention on the Civil Aspects of International Child Abduction, adopted on 25 October 1980 by the Hague Conference on Private International Law, was ratified on 16 July;

(b) A bill to regulate adoptions is being reviewed by the National Congress and governmental and non-governmental organizations.

15. Since being approved by the Social Cabinet in 2000, the National Plan has remained in operation under the high-level National Commission, comprising the Ministry of Labour's Unit for the Protection of Minors at Work and the ILO International Programme on the Elimination of Child Labour under the chairmanship of the Vice-President. This arrangement has not worked, and it has therefore been decided to redesign the Unit for the Protection of Minors at Work. Two consultants were engaged with UNICEF backing to turn the Unit into a technical secretariat and go on from there to take action to give effect to the National Plan for Children. This will be happening soon.

16. As regards the subject of domestic service, the Plan has so far led to an investigation into domestic service focusing on the departments of Jutiapa and Guatemala, which is now in its final stages. It is a diagnostic, qualitative and quantitative survey which will, it is hoped, yield information for use in targeting efforts to reveal the whereabouts of girls, most of whom are working, and designing programmes to stamp out domestic service that resembles forced labour.

17. The goals of the investigation were set by:

(a) Gathering information on the living conditions of children and teenagers in domestic service and analysing their rights to live with their families, to receive an appropriate education and care at health centres, assert their right to leisure and be protected against physical, economic, sexual and emotional exploitation;

(b) Gathering information on why children go into domestic service (families' socio-economic situation, cultural aspects, etc.);

(c) Analysing and investigating national legislation specifically to do with the worst forms of child labour in comparison with the relevant international agreements on human rights, the Convention on the Rights of the Child and ILO Conventions 138 and 182 in particular, and on domestic service generally;

(d) Considering the implications of including and covering children in domestic service under policies and programmes to combat child labour;

(e) Gathering information on opinions and perceptions among groups crucial to the abolition of domestic service by children, such as politicians, parents, individuals who contract children into domestic service and potential employers.

18. As regards the sexual exploitation and harassment of children, the Contact Group for the National Plan of Action against the Commercial Sexual Exploitation of Children and Adolescents has had meetings with UNICEF and IPEC to exchange views on how to stamp out the exploitation and sexual abuse of children.

Latvia

[Original: English]
[4 April 2002]

1. The Government of Latvia submitted an extensive report (20 pages)[3] on the Convention on the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others of 2 December 1949, effective in Latvia as of 13 July 1992. On the basis of provisions of the 1949 Convention and in compliance with its article 21, the report provided information on the legal acts of Latvia, as well as the political and legal attitude of the country, concerning traffic in persons and the exploitation of prostitution.

2. A special task force was set up for the elaboration of the report, including representatives of the Ministry for Foreign Affairs, the National Centre for the Protection of the Rights of the Child, the Ministry of Justice, the Ministry of Welfare and the Virtue Police. Under regulations of 17 March 1998 entitled "On the representation of the Cabinet of Ministers before international human rights institutions" a representative authorized by the Cabinet of Ministers headed the said task force. The report was reviewed and approved by the Cabinet of Ministers on 6 March 2002.

[3] The full text of the report is available, in English, at the secretariat for consultation. A copy of the report has been provided to the members of the Working Group.

II. INFORMATION RECEIVED FROM UNITED NATIONS ORGANS AND BODIES

Office of the United Nations High Commissioner for Refugees

[Original: English]
[12 April 2002]

1. UNHCR stated that its interest in trafficking is motivated by a number of reasons, most notably in recognition of the facts that:

(a) Refugees, especially women and children, are particularly vulnerable targets for trafficking rings whose activities flourish in situations of armed conflict and other situations of insecurity and chaos characteristic of refugee scenarios;

(b) Survivors of trafficking may be refugees under the Convention relating to the Status of Refugees of 1951, as a result of the trafficking experience and persecution associated therewith, especially in situations where their country of origin is unable or unwilling to provide protection against such harm.

2. Mindful of the adverse impact of trafficking on the rights of refugees, UNHCR is active in a variety of ways to ensure that this issue is adequately reflected both in policy development and in practical responses implemented in operations in the field. Such activities include:

(a) Legal developments. UNHCR participated as an observer in the preparatory work on the United Nations Convention against Transnational Organized Crime and its Supplementary Protocols. Its primary concern was to ensure that the texts of those instruments did not prejudice international refugee law obligations. Not least as a result of its participation, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, contains a saving clause intended to safeguard the rights of asylum-seekers and refugees under the 1951 Convention and the 1967 Protocol. UNHCR continues to ca!l for accession to the Palermo Protocols. This is reflected in the current draft Agenda for Protection that is being developed as part of the Global Consultation process. UNHCR continues to advocate for the adoption of similar safeguards in bilateral and regional agreements or operational arrangements related to trafficking, particularly when these are designed to implement or enhance the provisions of the Protocols;

(b) Inter-agency cooperation. Since its inception in early 2001, at the initiative of OHCHR, UNHCR has been an active participant in the Inter-Governmental Organization Contact Group on Human Trafficking and Smuggling (IGO Contact Group). UNHCR is convinced of the value of such inter-agency cooperation as the most appropriate means to ensure effective information sharing and collaborative action on the part of organizations pursuing trafficking-related programmes and activities. UNHCR has recently assumed the co-Chair of the IGO Contact Group together with ILO;

(c) Operational activities. In a number of operations worldwide, UNHCR is working together with other agencies to ensure appropriate responses to the protection and assistance needs of survivors of trafficking. Recalling the twofold motivation for its concern in this matter, such activities encompass information and preventive measures to safeguard against refugees falling prey to trafficking rings as well as response measures to address the needs of those trafficked beyond their country of origin and alleging a fear of persecution in the event of return. UNHCR offices in Kosovo and in Albania, for example, have incorporated such elements into their activities.

III. INFORMATION RECEIVED FROM NON-GOVERNMENTAL ORGANIZATIONS

Inter-African Committee Traditional Practices Affecting the Health Of Women and Children (IAC)

[Original: English]
[21 March 2002]

The IAC draws the attention of the Working Group to the situation of domestic servants in the Middle East, which it characterizes as a very preoccupying issue. The IAC transmitted a copy of a statement of the Executive Director of the Ethiopian Women Lawyers Association, who is also a member of the African Women's Committee for Peace and Development,[4] which highlighted the plight of undocumented African women migrant workers.

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[4] The full text of the statement, in English, is available at the secretariat for consultation. A copy of the statement has been transmitted to the members of the Working Group.